

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROSEANNE SAKAMOTO,

No. C 03-5499 SI

Plaintiff,
v.

**ADDITIONAL PRETRIAL
SCHEDULING ORDER**

STEPHEN JOHNSON and U.S.
ENVIRONMENTAL PROTECTION AGENCY,

Defendants.

After the July 25, 2006 pretrial conference in the above captioned matter, the jury trial then scheduled to begin on August 14, 2006 was continued twice and was ultimately set for March 5, 2007. Accordingly, a further pretrial conference was held on February 27, 2007. Plaintiff appeared pro se; defendants appeared through counsel. The following matters were resolved:

1. **No further continuance:** Plaintiff's request for a further trial continuance was denied [docket # 422]. If witness Leticia Fish does not appear at trial, the Court will consider whether to allow portions of her deposition to be read based on unavailability.

2. **Motion in limine:** Plaintiff's motion concerning defendants' exhibits S and Y is denied without prejudice to renewal at time of trial when the documents are available to the Court [docket # 425].

3. **Motion for leave of court:** Plaintiff's request that she be permitted to file "errata and omissions for captioned response and opposition to motion for summary judgment filed on March 3, 2006" is denied as untimely [docket # 421].

1 4. **Request for judicial notice:** Plaintiff's request for judicial notice of "(1) widespread
2 views on cultural and societal values placed on women in China and Vietnam; (2) historical relations
3 between the people of China and Japan due to war; and (3) authorities governing the federal workplace"
4 is denied [docket # 424]. The first two are not proper subjects of judicial notice. The latter authorities
5 will be provided to the jury, as necessary, in the jury instructions.

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7 5. **Plaintiff's proposed preadmission of 20 exhibits:** At the July, 2006 pretrial conference,
8 plaintiff was given leave to present to the Court for pre-admission up to 20 core exhibits which she
9 intends to use at trial. Her submission contains hundreds of pages of aggregated exhibits, each
10 accompanied by a cover sheet listing or summarizing the contents or significance of the underlying
11 documents. As such, none can be pre-admitted at this time except Exhibit 607, to which defendants do
12 not object. The cover sheets are inadmissible. Many of the documents will likely be admissible, once
13 plaintiff identifies them, lays a foundation and explains their relevance. Some may be inadmissible
14 hearsay. These decisions must await trial.

15
16 6. **Witnesses:**

17 A. Each party must advise the other 48 hours in advance of the witnesses that party
18 expects to call. Plaintiff must tell defendants by noon on Friday, March 2, 2007 who she expects to call
19 for Monday and Tuesday, March 5 and 6. Thereafter, she shall continue to inform defendants on a daily
20 basis. Defendants must do the same in their case.

21 B. The parties must cooperate with each other in scheduling witnesses. Plaintiff will call
22 Laura Yoshii in the afternoon Thursday, March 9, 2007.

23 C. Plaintiff intends to call many of defendants' employees as adverse witnesses. The
24 parties shall make an effort to call each witness only once, and defendants may conduct their direct
25 examination of their own witnesses during plaintiff's presentation of those witnesses.

26 D. Plaintiff's own testimony may be presented in narrative. Plaintiff must present a
27 relatively detailed outline of her testimony to defendants by Friday, March 2, 2007, in order that they
28 may determine whether there are any objectionable areas (e.g., hearsay) included.

E. The current witness list is as follows:

Roseanne Sakamoto

Mark Sims

Nora McGhee

Leticia Fish

Vance Fong

Laura Yoshii

Donna Turnley

Vicki Lane

David Taylor

Gail Jones

Joseph Eidelberg

Rose Fong

Theresa Williams

Tom Huetteman

Kent Kitchingman

Marlon Mezquita (maybe)

7. **Subject matter and timing of trial:** The parties are reminded that the jury trial portion of this case involves only the following claims:

(1) Title VII claim regarding Fong's failure to promote plaintiff to GS 13; and

(2) Title VII discrimination/retaliation claims concerning Fong's role in: negative performance reviews, the desk audit, the letter of reprimand, denial of credit hours request, excessive scrutiny of plaintiff's work, and increased workload.

The only damages that plaintiff may seek from the jury are general damages for emotional distress. All back pay/compensation damages are matter for the judge to determine after trial.

The parties are further reminded that there are 5 days to conduct this trial, and that the parties are limited as follows: each side shall have 25 minutes for opening statements; each side shall have 10 hours total for presentation of evidence, which includes direct and cross-examination and presentation

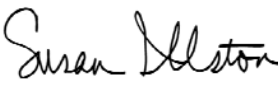
1 of all exhibits; and each side shall have up to 30 minutes for closing argument. Repetitive or cumulative
2 examination will not be permitted, nor will examination on irrelevant matters or issues no longer in the
3 case for trial.

4
5 8. **Exhibits:** No later than March 2, 2007, the parties shall submit their proposed trial
6 exhibits in binders with numbered tabs separating and identifying each exhibit. The Court shall be
7 provided with three sets (for the Court, the file and the witness) and each side shall provide one set for
8 the other side. Plaintiff stated at the pretrial conference that she plans to introduce over 700 exhibits.
9 She is cautioned that this number appears to the Court to be excessive for the relatively discrete issues
10 to be tried in this case. She may find herself spending an unwarranted amount of time on collateral
11 issues in attempting to use all these exhibits, and may be forced to neglect more central issues. The
12 Court urges plaintiff to consider paring down her exhibit list considerably, to focus simply of the issues
13 now in the case.

14
15 9. **Trial schedule:** Jury trials are generally conducted Monday through Thursday; jury
16 trials are generally not conducted on Fridays, although deliberating juries are free to deliberate on
17 Fridays. The trial day runs from 8:30 a.m. until 3:00 p.m., with a 15 minute break at 10:00 a.m., a 30
18 minute break at 12:00 noon and a 15 minute break at 2:00 p.m., all times approximate.

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20 **IT IS SO ORDERED.**

21
22 Dated: February 27, 2007

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SUSAN ILLSTON
United States District Judge